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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,883	07/14/2003	Yasushi Shibata	62807-131	3415
20277	7590	03/17/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/617,883	SHIBATA ET AL.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

1. Claims 1-11 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa [JP 09-270,050 -cited by the applicant] in view of Fukatsu [JP 58-192,171].

Re claims 1-2 and 4-6: Osawa teaches a medium handling machine (a cash transaction device), comprising:

a media insertion/delivering port for receiving and delivering the medium;

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a shutter (a payment opening shutter 106) for opening or closing the media insertion/delivering port by being open or close the media insertion/delivering port;

a sensor (payment opening sensor 110) for sensing an object other than the medium, such as a customer's hand in the shelter of payment opening;

a timer 102 for counting a timer during which the shutter is opened; and

a control unit 100, 105 for closing the shutter when a count of the timer reached a predetermined value (i.e., moving the shutter to a closed position, which obviously include the intermediate position of shutter while the shutter is moving from fully open position to fully closed position when the timer has reached a predetermined amount of time. This also teaches that the control unit causes the shutter to be closed when the sensor has not sensed the object).

Osawa does not teach the followings:

a shutter having slid over movement once or a plurality of times;

a sensor mounted in the port and positioned higher than the position of the medium; and

a control for causing the shutter to be slide to a position intermediate between a fully open position and a fully closed position when the sensor senses the object.

Fukatsu discloses an automatic transaction device comprising a media insertion/delivering port (a front side of the operation section 3) for receiving and delivering medium (for example, delivering the bill inside the dispensing mechanism 22 and receiving the bags that used for holding the bills deposited in the bag issuing unit 150), a curved-surface shutter 15 for opening or closing the media insertion/delivering port by being slid over the media insertion/delivering port (i.e., the shutter 15 shown to be slid over between the open and closed position (see figure 12 for example). The automatic transaction device comprises a sensor (a detector 16-18) mounted in the port (i.e., mounted inside of front side of the operation section 3 below the shutter 15) and detects an object (i.e., a foreign material such as hand and paper) at the closing of the shutter 15. When the sensor 16-18 detects an object (i.e., a foreign material

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such as hand and paper) at the closing of the shutter 15, the controller stops the shutter 15 or reverses the operation of the shutter 15. While the shutter 15 is closing, the moving direction of the shutter 15 is obviously approaching to a fully closed position from a fully open position. Thus, the shutter 15 is obviously in an intermediate position between a fully open position and a fully closed position before the controller stops the shutter or reverses its direction when the sensor senses the object. Accordingly, the control causes the shutter 15 to be slid to a position intermediate between a fully open position and a fully closed position at least once or a plurality of times when the sensor senses the object (see the abstract for example).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the sensor specifically positioned higher than the position of the medium and the control that causes the shutter to be stopped being slid to fully closed position (i.e., a position intermediate between a fully open position and a fully closed position) when the sensor senses the object, as taught by Fukatsu, in the cash transaction device of Osawa in order to delay the closing of the shutter at a later time when the transaction is not completed by the customer.

Re claims 3: Fukatsu's sensor (the detector 16-18) detects the foreign material such as hand and paper at the closing of the shutter 15, and as shown in Figure 2, the position of the sensor (the detector 16-18) is mounted inside is vertically higher than a height of length of the medium (the bill inside the dispensing mechanism 22 or bag that used for holding the bills deposited in the bag issuing unit 150).

6. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa as modified by Fukatsu as applied to claim 1 above, and further in view of Sommerville [US 6,478,221].** The teachings of Osawa as modified by Fukatsu have been discussed above.

Osawa as modified by Fukatsu fails to teach a lamp mounted in the media insertion/delivering port and the control unit causing the lamp to be turned on or flashed.

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Sommerville discloses a self-service terminal comprising a plurality of user interfacing elements (e.g., a display 12, entry keys 14, 16, a card reading slot 18, a receipt dispensing slot 20, and a cash dispense slot 22) that includes the media insertion/delivering port (e.g., a card reading slot 18, a receipt dispensing slot 20, a cash dispense slot 22, a media deposit slot and etc.) Furthermore, Sommerville teaches that to draw the user's attention to the particular user's interface device at appropriate point in the transaction, a lamp (LED 26) is mounted on the self-terminal adjacent the user interface and the control unit (the processor 34) causing the lamp to be turned on or flashed (see col. 3, line 40+ and figures 1-2).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the lighting device controlled by the processor to be turned on or flashed, as taught by Sommerville, in the cash transaction device of Osawa as modified by Fukatsu, in order to visually guide the user with transaction process by visually draw the user's attention via flashing the light.

Osawa as modified by Fukatsu and Sommerville fails to teach the lamp mounted inside the port. However, that fact that the purpose of Sommerville's lamp mounted adjacent the user interface is equivalent purpose as the applicant's claimed lamp (i.e., to draw the user's attention), thus, the specific mounting location of the lamp (i.e., whether it is mounted inside or adjacent the port) would have been obvious choice of placement of the lamp. Accordingly, mounting the lamp inside the port would have been an obvious extension taught by Osawa as modified by Fukatsu and Sommerville.

7. **Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa in view of Fukatsu and Sommerville.** The teachings of Osawa as modified by Fukatsu and Sommerville have been discussed above.

Re claims 8 and 10-11: See the discussion above.

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Re claim 9: Osawa as modified by Fukatsu and Summerville does not teach that lamp is turn on or flashed for particular operation (i.e., turned on to blue or flashed when the shutter is opened, and turned on to red or flashed when the shutter is closed).

The fact that Sommerville discloses of drawing the user's attention to the particular user's interface device at appropriate point in the transaction by providing the lamp (i.e., the lamp having a predetermined color) and causing the lamp to be turned on or flashed, providing a lamp with a particular color or flashing for particular point in the transaction would have been an obvious to an artisan of ordinary skill in the art at the time of the invention to increase the level of visually assisting the user with the transaction operation. Accordingly, it would have been an obvious extension taught by Osawa as modified by Fukatsu and Summerville.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukatsu [US 4,540,106] and McIntyre et al. [US 6,726,101] discloses an ATM with a shutter that controlled by the processor;

Dion [US 4,380,201] discloses flashing lamp with a plurality colors, wherein each color represents a particular purpose; and

Sugita [JP 08-119565A] and Usui [JP 07-331974A] disclose a door or shutter control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.